

# EXHIBIT A

Case No. 13-80018

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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STATE OF HAWAII, Plaintiff, vs. JP MORGAN CHASE & CO., et al., Defendants, Civ. No. 1:12-00263 LEK-KSC

STATE OF HAWAII, Plaintiff, vs. HSBC BANK NEVADA, N.A., et al., Defendants, Civ. No. 1:12-00266 LEK-KSC

STATE OF HAWAII, Plaintiff, vs. CAPITAL ONE BANK (USA), N.A., et al., Defendants, Civ. No. 1:12-00268 LEK-KSC

STATE OF HAWAII, Plaintiff, vs. DISCOVER FINANCIAL SERVICES, INC., et al., Defendants, Civ. No. 1:12-00269 LEK-KSC

STATE OF HAWAII, Plaintiff, vs. BANK OF AMERICA CORPORATION, et al., Defendants, Civ. No. 1:12-00270 LEK-KSC

STATE OF HAWAII, Plaintiff, vs. CITIGROUP INC., et al., Defendants, Civ. No. 1:12-00271 LEK-KSC

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Petition for Permission to Appeal  
From the United States District Court for the District of Hawaii  
The Honorable Leslie E. Kobayashi

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**DEFENDANTS' JOINT ANSWER IN OPPOSITION  
TO THE PETITION FOR PERMISSION TO FILE APPEAL**

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decisions and dismisses the Complaints on preemption grounds, this Court can then consider a single appeal encompassing both (1) the “complete” preemption jurisdictional arguments, and (2) the related “ordinary” preemption merits arguments. The strong policy against piecemeal appeals thus supports denial of an interlocutory appeal. *See, e.g., Coopers & Lybrand*, 437 U.S. at 475.

*Third*, an interlocutory appeal would present not only the complete preemption question on which the Attorney General seeks review, but also the alternative ground for removal addressed in the district court’s Order, namely, whether the Attorney General’s claims were removable under CAFA because they include class action claims arising under H.R.S. § 480-14(b). *See* Order at 31-43. Any interlocutory appeal would present that question as well as the question the Attorney General wishes to pursue. *See Lee v. Am. Nat’l Ins. Co.*, 260 F.3d 997, 1000 (9th Cir. 2001).

For these additional reasons, this Court should deny the Attorney General’s petition to file a piecemeal, interlocutory appeal.

### **CONCLUSION**

For the foregoing reasons, this Court should deny the Petition.

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*Corp.*, 2010 WL 8435397, \*3-4 (C.D. Cal. Nov. 5, 2010) (same); *Spinelli v. Capital One Bank*, 265 F.R.D. 598, 604-05 (M.D. Fla. 2009) (same).

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Respectfully submitted,

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